

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FORTUNE DEVELOPMENT, L.P.	:	CIVIL ACTION
	:	
v.	:	No. 12-2327
	:	
BERN TOWNSHIP, et al.	:	

ORDER

AND NOW, this 13th day of March, 2013, it is ORDERED:

- Defendant Bern Township Municipal Authority's Motion to Dismiss Complaint (Document 11) is GRANTED. Plaintiff Fortune Development, L.P.'s (Fortune) claims against Bern Township Municipal Authority (Counts One and Three) are DISMISSED with prejudice.

- Defendants Bern Township and Individually-Named Township Supervisors' Motion to Dismiss (Document 16) is GRANTED in part and DENIED in part as moot. The motion is GRANTED insofar as Fortune's claims against Bern Township (Counts One and Three) are DISMISSED with prejudice. This Court having declined to exercise supplemental jurisdiction over Fortune's remaining state-law claims, the motion is DENIED as moot insofar as the state-law claims against the individual Township Supervisors (Counts Four and Five) are dismissed without prejudice pursuant to 28 U.S.C. § 1367(c).

- Defendant Leesport Borough Authority's Motion to Dismiss (Document 17) is GRANTED. Fortune's claims against Leesport Borough Authority (Counts One and Three) are DISMISSED with prejudice.

- Defendants Schuylkill River Greenway Association and R. Dean Foster's Motion to Dismiss Plaintiff's Complaint (Document 20) is DENIED as moot. Fortune's claims against Schuylkill River Greenway Association (Count Four) and Foster (Counts Four and Five) are DISMISSED without prejudice pursuant to 28 U.S.C. § 1367(c).

The Clerk of Court is directed to mark this case CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez